IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

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WRIT PETITION NO : 5278 of 1998

Between:

K. Silas, S/o. K. Musalappa, R/o Tadipatri, Anantapur District.

..... PETITIONER

AND

Tadipatri Municipality, Rep. by its Commissioner,
Tadipatri, Anantapur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order or direction declaring the action of the respondent in not permitting the petitioner to participate in the auction of the leasehold right to collect market fee in Tadipatri Municipality area for the year 1998-99 in terms of clause 7 of the Notification as illegal, unreasonable and arbitrary and further declare clause 7 of the notification in so far as it imposes a condition that a person approaching the court with regard to a dispute relating to collection of lease amount is disqualified from participating in auction is also illegal, unreasonable and arbitrary;

Counsel for the Petitioner: MR.V.RAVINDER RAO

Counsel for the Respondent : MR.V.RAGHUNATH REDDY

The Court made the following :

ORDER:

This writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the respondent in not permitting the petitioner to participate in the auction of the leasehold right to collect market fee in Tadipatri Municipality area for the year 1998-99 in terms of clause 7 of the Notification as illegal, unreasonable and arbitrary and further declare clause 7 of the notification in so far as it imposes a condition that a person approaching the court with regard to a dispute relating to collection of lease amount is disqualified from participating in auction is also illegal, unreasonable and arbitrary.

When the matter is called, Mr Jaya Rami Reddy, representing Mr V. Ravinder Rao, learned counsel for the petitioner submits that due to efflux of time the writ petition has became infructuous since the cause in the writ petition does not survive for adjudication.

Accordingly, the writ petition is dismissed as having become infructuous. No costs.

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09th December 2004

Kvrk

To

1. The Commissioner, Tadipatri Municipality, Tadipatri, Ananthapur Dist.
2. Two CD copies.

HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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9th DECEMBER 2004